



Docket No.: 1293.1853

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kyung pill KO et al.

Serial No. 10/657,714

Group Art Unit: 2628

Confirmation No. 8736

Filed: September 9, 2003

Examiner: Richer, Aaron M.

For: APPARATUS AND METHOD FOR ADJUSTING BRIGHTNESS AND COLOR
TEMPERATURE

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed April 2, 2008.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the Examiner submits: "Segal discloses: a RGB signal generator to detect a maximum value of each of the RGB color signals, to compare the maximum values, and

to detect a color signal having a higher maximum value than the other color signals for the RGB color signals...and a system controller to provide a predetermined critical value, the predetermined value, and data on conditions for detecting a color signal having the higher maximum value than the other color signals to the RGB color signal generator...."

By way of another example, the Examiner submits "Kimura discloses a color temperature correction apparatus that works when a luminance is high and a color saturation is below a predetermined threshold..."

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

Hence, the reasons for allowance include descriptions and characteristics of a plurality of prior art references, which are submitted to be improper content of the reasons for allowance in that the record of the prosecution as a whole makes clear the reasons for allowing the allowed claims.

It is submitted that the claims are not constrained by such limitations as may be implied from the Examiner's Statement, as are noted above, and, instead, that the claims speak for themselves as to what features are included therein and thus are their own best evidence as to the reasons for allowance of same.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

June 26, 2008

By:

Darleen J. Stockley
Darleen J. Stockley
Registration No. 34,257

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501